

\*\*E-Filed 2/2/06\*\*

**NOT FOR CITATION**

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**SAN JOSE DIVISION**

JINZHONG TIAN,  
Plaintiff,  
v.  
MICHAEL CHERTOFF, Secretary of the  
Department of Homeland Security, et al.,  
Defendants.

Case Number C 05-5123 JF (HRL)  
ORDER TO SHOW CAUSE

On December 12, 2005, Plaintiff filed a complaint for a writ in the nature of mandamus, seeking to compel Defendants from acting on a Refugee Asylee Relative Petition, or Form I-730, that was approved on February 13, 2003 with respect to his wife and daughter. Following approval of the Form I-730, Plaintiff's wife and daughter were interviewed by Defendants in Beijing, China, in February and March 2004. However, Defendants have failed to issue any decision or travel documents with respect to Plaintiff's wife and child, who remain in China *three years* after approval of the Form I-730.

The Clerk of the Court shall serve a copy of Plaintiff's complaint on counsel for Defendants, the Office of the United States Attorney, Northern District of California and shall serve a copy of this order on Plaintiff.

1 Defendants are ORDER TO SHOW CAUSE, in writing and within thirty (30) days, why  
2 the relief requested should not be granted. Plaintiff may file a further brief within twenty-one  
3 (21) days after the filing of Defendants' brief. The matter thereafter will be taken under  
4 submission without oral argument unless otherwise ordered by the Court.

5 IT IS SO ORDERED.  
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11 DATED: 2/2/06  
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JEREMY FOGEL  
United States District Judge

1 Copies of Order served on:

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3 Counsel for Plaintiff:

4 Justin X. Wang lawbw@aol.com

5 Counsel for Defendants:

6 Office of the United States Attorney  
150 Almaden Blvd., Suite 900  
7 San Jose, CA 95113

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